



FURA Redevelopment Assistance Grant Program

Consider approval of the Redevelopment Assistance Grant Program and the updates to the Predevelopment Assistance Grant Program.

FURA PROGRAMS

- ✓ **Redevelopment Assistance Grant Program** (*PROPOSED*)
- ✓ **Predevelopment Services Grant Program** (*EXISTING*)





BOTH PROGRAMS INCLUDE:

- ✓ **Eligibility Guidelines & Application Process**
- ✓ **Program Application**
- ✓ **One Page Program Overview Flyer**
- ✓ **Requirement to meet at least one Urban Renewal Plan objective.**

FURA PLAN OBJECTIVES



- ✓ **Public Private Partnerships:** *To facilitate public/private partnerships to revitalize deteriorating sections of the URA and adjoining waterfront.*
- ✓ **Enhance the Urban Renewal Area:** *To enhance the URA through the promotion of mixed-use development, pedestrian and bicycle accessibility, provision of useful public space, and attractive site and architectural design to create a special place that enables citizens to live, work, shop and recreate all within easy walking distance.*
- ✓ **Public Parking:** *To develop safe, convenient, and attractive public parking areas to accommodate residents and visitors that connects with a system of walking, biking, and driving options throughout the URA.*
- ✓ **Access & Visibility:** *To improve access to, and visibility of, Old Town and the waterfront from Highway 101.*
- ✓ **Highway 101 Corridor:** *To re-establish a mixed use, retail core along Highway 101 in the URA featuring streetscapes and buildings that support the 'main street' character and reflect a unified retail theme with coordinated architectural and voluntary merchandising guidelines.*
- ✓ **Waterfront Development:** *To restore, revitalize and preserve waterfront spaces for public access and water dependent recreational, commercial, and industrial uses, which directly benefit the economy of the Florence area.*



PROPOSED REDEVELOPMENT ASSISTANCE GRANT PROGRAM

*Purpose: To encourage **redevelopment** or **renovation** of underutilized properties within the Florence Urban Renewal Area (URA). Redevelopment Assistance funds are available to assist developers and owners of commercial property with **shovel-ready development projects** within the URA.*

REDEVELOPMENT ASSISTANCE GRANT PROGRAM OVERVIEW

Grant Funding

Maximum Grant

- **Up to \$100,000**
 - * Subject to availability within the FURA budget and approval by the FURA Board.

Grant Requirement

- **\$1 in grant funds to \$4 of private investment (20% matching grant)**
 - * Must meet at least one of the Urban Renewal Plan objectives.

Eligible Applicant & Property

Eligible Applicant

- **Fee title property owners**
- **Business owner tenants with written authorization from the property owner and long-term lease agreement.**
 - * Tax-exempt property and businesses are not eligible for grant funds.

Eligible Property

- **Property located within the Florence Urban Renewal Area.**
 - * Properties that are 100% residential are not eligible for grant funds.

REDEVELOPMENT ASSISTANCE GRANT PROGRAM OVERVIEW

Eligible Activities

- *Permanent interior and exterior building construction improvements to existing properties. Site improvements, including, but not limited to, sidewalks, landscaping, and stormwater.*
- *Grant funds may also be used for trade fixtures or equipment that is large and affixed to the building to improve manufacturing productivity and increase jobs in the area.*
- *Grant funds may not be used for demolition, installation of non-permanent fixtures that could be removed from the building or urban renewal area, purchase of property, administrative costs, services performed by applicant, final construction plans, or fees, permits, and other charges associated with construction.*



UPDATED PREDEVELOPMENT SERVICES GRANT PROGRAM

*Purpose: To encourage **development, redevelopment, or renovation** of underutilized and vacant properties within the Florence Urban Renewal Area. Predevelopment funds are available to assist developers and owners of commercial property with **assessing the feasibility of potential development projects** within the Urban Renewal Area.*

PREDEVELOPMENT SERVICES GRANT PROGRAM OVERVIEW

Grant Funding

Maximum Grant

- **Up to \$25,000**
 - * Subject to availability within the FURA budget and approval by the FURA Board.

Grant Requirement

- **Reimbursement up to 40% of total eligible predevelopment costs.**
 - * Must meet at least one of the Urban Renewal Plan objectives.

Eligible Applicant & Property

Eligible Applicant

- **Fee title property owners**
- **Business owner tenants with written authorization from the property owner and long-term lease agreement.**
 - * Tax-exempt property and businesses are not eligible for grant funds.

Eligible Property

- **Property located within the Florence Urban Renewal Area.**
 - * Properties that are 100% residential are not eligible for grant funds.

PREDEVELOPMENT SERVICES GRANT PROGRAM OVERVIEW

Eligible Activities

- *Preliminary architectural and other design services, site analysis, financial analysis, market analysis, environmental assessments and testing, environmental remediation, appraisal, traffic impact analysis, and site preparation.*
- *Grant funds may not be used for site acquisition, administrative costs, services performed by applicant, final construction plans, construction, or fees, permits, and other charges associated with construction.*

2019-2021 BIENNIUM BUDGET

The FURA Biennium Budget for 2019-2021 included a \$200,000 allocation for development opportunities and \$60,000 for predevelopment grants as part of the General Fund.

Notes: Funding for the ReVision Florence Streetscape Project elements are not included in these funds. The current construction, items to be purchased outside of the current contract, and the gateway monuments have been accounted for in a separate line item.

In addition to these funds for FURA programs and projects, there is \$48,800 allocated over the biennium for contractual services. A portion of these contractual services funds have been dedicated, but approximately \$40,000 is available over the biennium for items related to the Quince Street property or other contractual services as needed.

*Development
Opportunities*
\$200,000



*Predevelopment
Grant Program*
\$60,000

RECOMMENDATION

Staff recommends that the FURA Board approve the Redevelopment Assistance Grant Program and the updates to the Predevelopment Assistance Grant Program. Once approved, staff will update the FURA website with the information and inform any interested parties that have contacted the City previously.



FUTURE ITEMS



**Redevelopment Assistance
Grant Program**

One Interested Applicant



**Preservation & Rehabilitation
Grant Program Review**

Program Updates & Timeline





GATEWAY MONUMENT CONSTRUCTION BIDS

Florence Urban Renewal Agency

February 26, 2020

BID OPENING

Project Budget: \$396,000

Engineers Estimate: \$416,000

- Construction: \$396,000
- Contingency: \$20,000

Bid Opening: February 6, 2020

Bidder	Bid Amount
Specialty Metal Fabricators LLC	\$ 494,879
Brown Contracting, Inc.	\$ 684,310

- Includes all labor, equipment, and materials necessary to construct the three gateway monuments.
- Both bidders were responsive and schedules were accurate.

VALUE ENGINEERING

Per ORS 279C.340, since both bids came in above the engineers estimate, the Agency has the ability to negotiate value engineering items in order to work to get the bids within the cost estimate.

- Staff discussed cost reduction options with the low bidder, including alternate materials and methods.
- Specialty Metal Fabricators provided ideas on reducing the cost.
- Some of these ideas were accepted by the engineers, while their main idea of reducing the size of the monuments would be canceled out by the cost to reengineer them.

CONTRACT NEGOTIATIONS

The statutory provision set out in ORS 279C.340 is that the scope of the project should not be "significantly changed" from the original.

Decreasing the number of monuments from 3 to 2 would not create a not significant change and would not have an impact on the pool of competitive bidders.

- Specialty Metal Fabricators provided the updated cost of **\$375,000** after removing the Quince Street monument and further negotiations.
- Other Considerations:
 - Quince Street monument meets vision clearance regulations, but may still cause complaints from drivers.
 - Quince Street only has 1 monument.
 - FURA has acquired and is working on developing the Quince Street property and there could be greater possibilities for that with this corner.

CONSTRUCTION ENGINEERING & ADMINISTRATION

Contract Amendment

- Construction engineering and administration for the gateway monuments would be provided by Murraysmith.
- This will require an amendment to their current contract.
- The current contract has line items that will not be fully expended. The estimated unused allocations are \$23,000.

Contract Cost

- The original construction engineering and administration estimate for 3 monuments was \$70,000. Creating a net increase to the contract of \$48,000.
- Construction engineering and administration was reduced to \$57,000 for the 2 monuments, which would be a \$34,000 net increase to the contract.

FISCAL IMPACT

Original v. Negotiated Costs

	Original Bid (3 Monuments)	Negotiated Bid (2 Monuments)
Construction (SMF)	\$ 494,879	\$ 375,000
Engineering (Murraysmith)	70,630	57,101
Total Project	565,509	432,101
Less Current Contract Savings	23,000	23,000
Total Budget Net Impact	542,509	409,101
FURA Budget	396,000	396,000
Bid Above/(Below) Budget	\$ 146,509	\$ 13,101

Additional Funding

- FURA deposited funds for ReVision Florence into a State Local Government Investment Pool account.
- ODOT has not fully drawn down on those funds.
- The account has earned \$40,000+ in interest to date.

RECOMMENDATION

1. Accept the negotiated bid and authorize the City Manager to enter into a contract with Specialty Metal Fabricators LLC in the amount of \$375,000, for the construction of the two gateway monuments at Maple Street.
2. Authorize the City Manager to enter into Amendment 5 with Murraysmith for construction administration, engineering, and inspection for \$57,000, which will result in a net change to the contract of approximately \$34,000.

Alternatives:

- Reject the bids, rescope the project, and rebid the project.
- Provide alternate direction to staff.

Quince Street Marketing

February 26, 2020

Florence Urban Renewal Agency Meeting

Agenda Item Overview

Development

Review Goals
/ Objectives
for Property
Development

January Mtg Review

General
Process
Approval
Selection
Advisory
Committee

Professional Services

Selection
Advisory
Committee
Meeting
Results

Next Steps

Professional
Agreements
Timeline
Amendments

Strategy & Goals

(From 11.20 FURA Meeting)

- Goal: Attract a 90+ room hotel (or other similar sized lodging facility), with opportunities for the following ancillary developments...
 - Mixed use development
 - Residential facilities
- Objectives:
 - Increase property values & transient room tax revenue to support future housing / economic development projects
 - Support the Florence Events Center to allow it to be more marketable to outside events
 - Support the development of the Siuslaw Estuary Trail



January Review

- Action:

Reviewed & Approved the Tentative Process / Timeline proposal for the Request for Expressions of Interest

- Created the Selection Advisory Committee



January Review

- Action: Discontinue Quince Street Subcommittee to establish Selection Advisory Committee
(Chair Bill Meyer, Vice-Chair Mike Webb, and Directors Joe Henry and John Scott):
- Tasks Include...
 - Providing Staff feedback on marketing / recruitment professional
 - Guidance to staff on Request for Expressions of Interest Document
 - Preliminary review of submittals received and preparing recommendation(s) to the FURA Board

Selection Advisory Committee Meeting

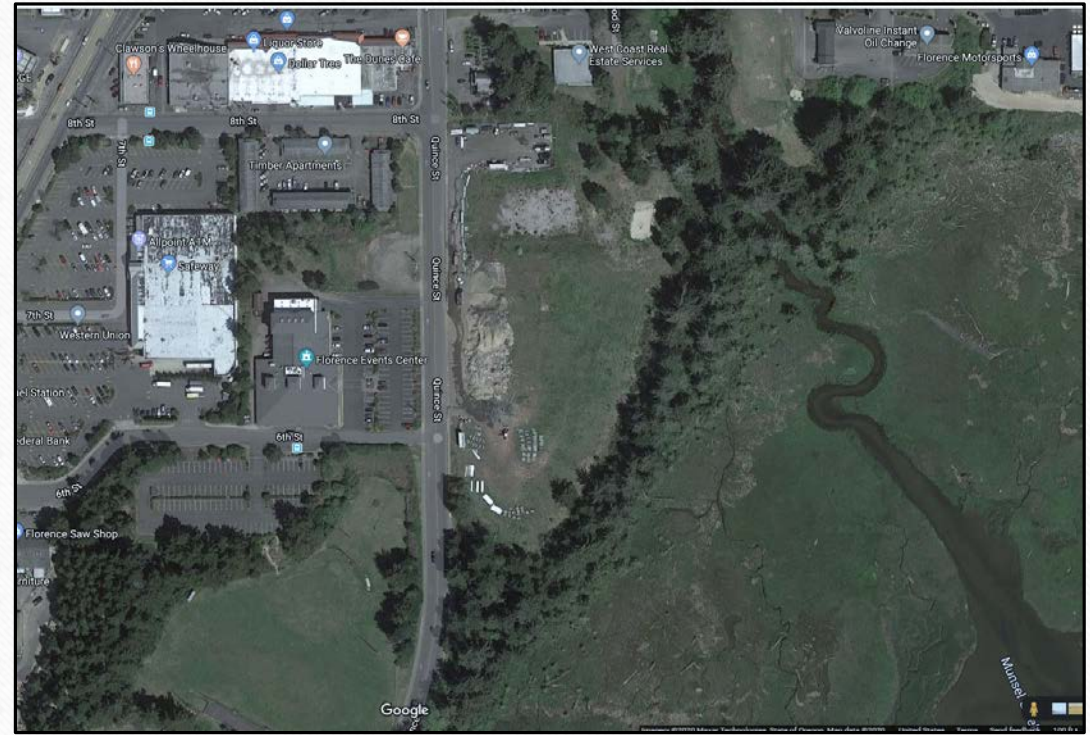
(February 11th)

- Objective: Review quotes from professionals...
 - Received three quotes – Selected Two to Enter into Agreements

Name	Quote Summary
John Southgate, LLC	\$10,000 + \$5,000 bonus upon sale
Subert Commercial Real Estate	\$8,500 + \$10,000 bonus upon sale

Next Steps

- Professional Agreements
- Timeline Amendments
 - Additional time prior to publication of RFEI to market opportunity



Draft Timeline & Process

(Subject to amendments)

TBD

- Draft RFEI Internal Review & Preliminary Developer Outreach
(Selection Advisory Committee & Recruitment Professional)

TBD

- RFEI Published & Marketed
(Recruitment Professional Assists in Marketing)

TBD

- Submittal Deadline

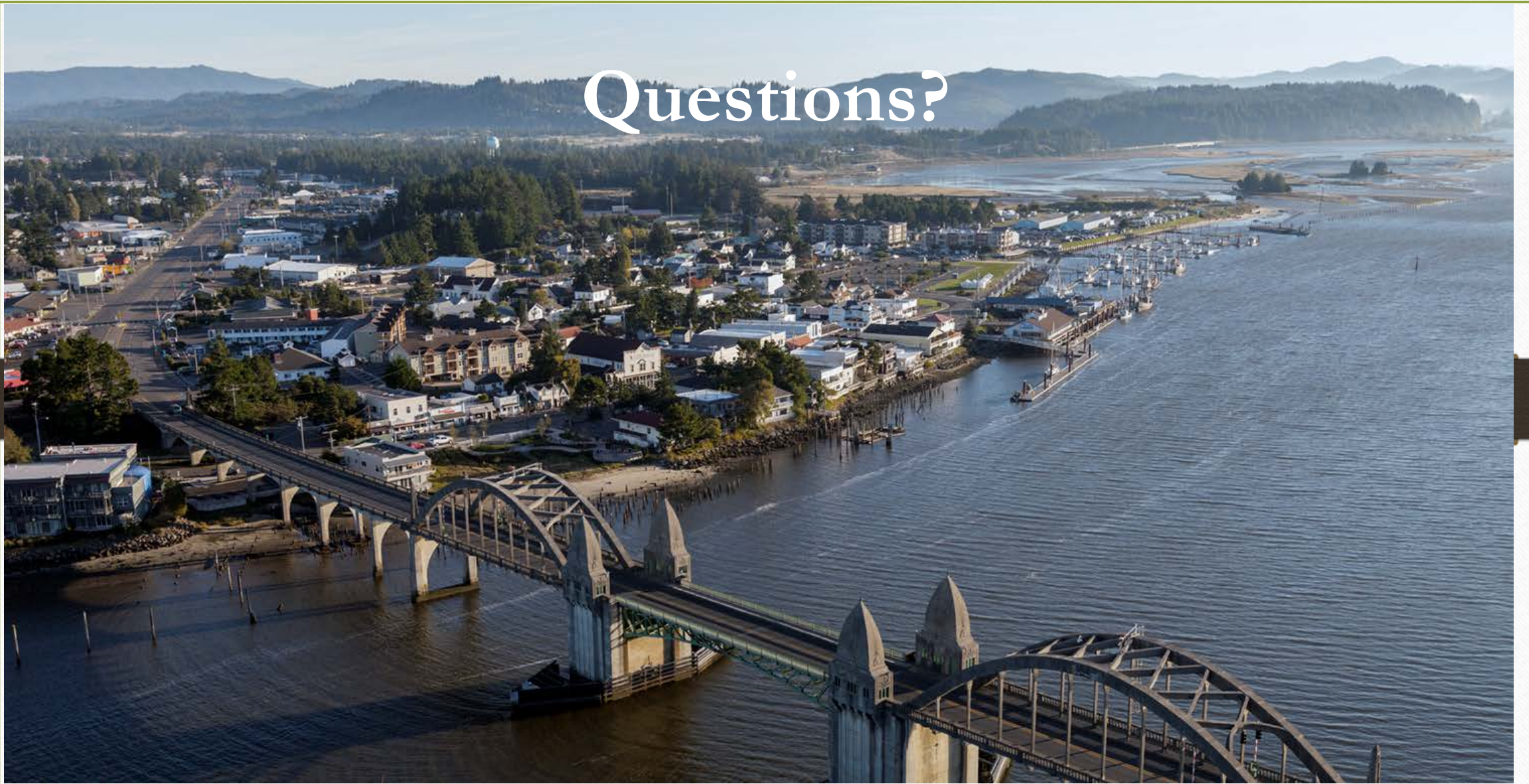
TBD

- Selection Advisory Committee - Submittal Review
(Selection Advisory Committee Executive Session)

TBD

- FURA Executive Session & Action
(Review Committee Recommendation)

Questions?



Tree Maintenance

FURA

FLORENCE URBAN
RENEWAL AGENCY

OREGON



Specific Direction for Quotes

- Delimiting trees on eastern side of property
 - Removal of invasive species including Scotch Broom, Blackberries, and English Ivy
 - Create viewsheds of the Siuslaw River
 - “No Touch” zone within 50 feet of the bank of Munsel Creek
 - Removal of all branches from property. Chipped debris can be left onsite
- ** Current level of services requested does not require a vegetation removal permit**

Coast Tree Service

Phase One: Brush Removal

- Selectively prune vegetation
 - Prune vegetation between 5 feet and 20 feet tall but under 8" in diameter
 - Prune vegetation down the hill 10'-15'
- All Vegetation pruned will be chipped and left onsite
- **Phase One Cost: \$4,480**

Phase Two: Tree Delimiting

- Thinning of limbs off selected trees
- Delimiting large trees from the bottom to no more than 1/3 of the tree to start creating view corridors
 - View Corridors will be determined based on Florence Events Center except north side of property
- Limbs will be pulled up the hill and chipped onsite
- **Phase Two Cost: \$26,500**

Staff Recommendation

- Accept Coast Tree Service's quote for Phase One (Brush Removal) – Work to be done ASAP
- Continue to collect quotes for Phase Two (Tree Delimiting)
- Staff reached out to five different companies – many companies are booked and not bidding on projects right now



WHAT WE WILL COVER

Public Meeting Law

Oregon Ethics Law & Fraud Policy

Non-Discrimination / Non-Harassment

Code of Conduct



FURA
FLORENCE URBAN RENEWAL AGENCY
OREGON

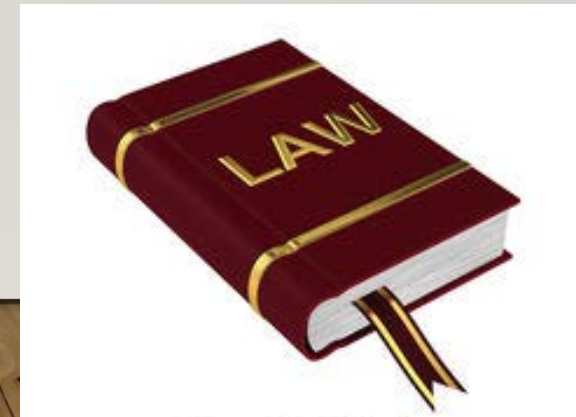
PUBLIC MEETINGS LAW

- Regulated by State of Oregon – Department of Justice
 - From ORS 192
 - Attorney General's Public Meetings and Open Records Manual



WHAT IS THE LAW?

- ORS 192.620:“The Oregon form of government requires an informed public aware of the deliberations and decisions of governing bodies and the information upon which such decisions were made. It is the intent of ORS 192.610 to 192.690 that decisions of governing bodies be arrived at openly.”
- ‘A quorum of a governing body may not meet in private for the purpose of deciding on or deliberating toward a decision on any matter except as otherwise provided by ORS 192.610 to 192.690”
- Note: Public Participation does not always mean public conversation



WHAT IS A MEETING?

- Any instance where a quorum (*5 or more*) members are discussing / deliberating toward a decision:
- This includes:
 - Standard meetings where a quorum is present
 - Electronic meetings (Emails, IMs, Texts, Social Media)
 - Serial Discussions
- Does NOT include Social Gatherings:
If possible, staff publishes agenda noting the social nature of event

PROCEDURAL REQUIREMENTS FOR MEETINGS

- **Public Notice at least 24 hours in advance** (*Agenda*)
- **Space, Location, Accessibility and Attendance**
(*Meeting location must be accessible to all public*)
- **Voting** (*Decisions must be made and recorded*)
- **Records** (*Digital Recording / Minutes, Public Records Law*)

PRACTICAL TIPS

- Avoid replying to emails when Agency business information is shared
 - To request agenda item ask Chairperson to add to future agenda
- Avoid conversations (*in person or via email*) between board members where the views of fellow members are shared
- Avoid sharing opinions on items Agency would need to vote on

PUBLIC RECORDS



Public
Records

- What is a public record?
 - Any document that contains public business information that is prepared, owned, used or retained by a public body regardless of physical form or characteristics
 - All items before FURA are public records
 - Emails, formal letters, photos, handwritten napkin drawings, etc.
 - Must be available to the public
 - Records used for decision deliberation (i.e. distributed at meeting)
= Permanent Retention

OKAY – SO HOW DOES AGENCY COMPLY WITH THESE LAWS?

- Agendas & Meeting Materials are prepared in advance
 - Posted Online and at City Hall
 - Distributed to all interested parties
- Public Hearing notices published as required by state law
- Public records for body retained according to records law, including...
 - Agenda
 - Meeting Materials
 - Items Distributed at Meeting
 - Digital Recording / Minutes

AGENDA PREPARATION

- Agenda prepared by staff representative & approved by Chairperson
- If you would like to request something on the agenda:
 - Notify chairperson – who will determine best timeline for discussion
- Can always bring things up at end of meeting for further discussion later on
- All items (*pertinent to body*) can be discussed at meeting, all decisions need to be specified on agenda
- The Point: To allow the public enough information to understand what the agency will discuss and decide whether or not to attend the meeting

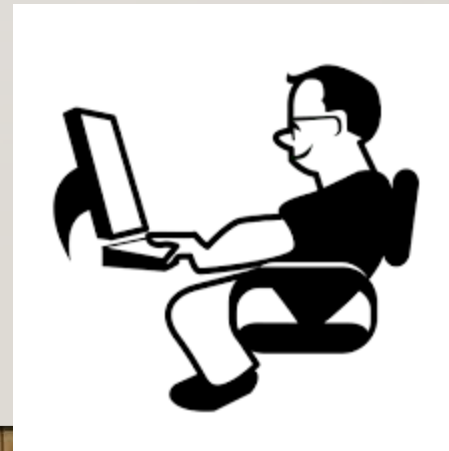
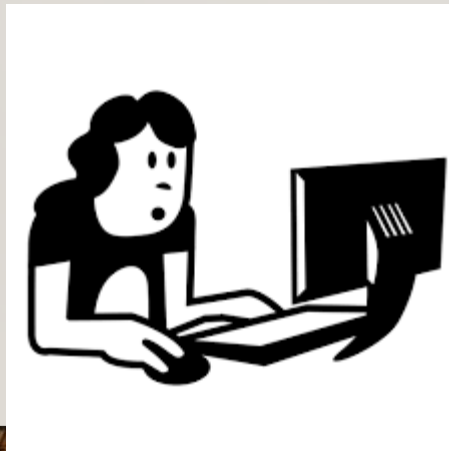
PREPARING FOR THE MEETING

- **Agenda & Meeting materials distributed to Board:**
 - At least 3 days prior to the meeting (*Generally Friday prior to Wednesday*)
- **If Possible:**
 - If you have questions about information provided, ask Staff prior to the meeting.
 - This allows staff to address thoughts in advance, and relay information to all Board members at the meeting.
 - Saves everyone time!

WHAT ABOUT SUBCOMMITTEES?

- Role of Subcommittees:

1. Perform volunteer work by assisting in administrative tasks that would alternatively not be completed or be performed by staff
2. Research future decisions to come before the Board



SUB-COMMITTEE RULES

- Not made up of a quorum of voting members (i.e. 4 or less)
- Tasks of subcommittee must be administrative in nature
(i.e. something staff would have the authority to do or providing input to staff)
 - Examples include:
 - Researching alternatives to a potential action and putting together a packet of information for the Agency to review,
 - Providing feedback to staff on a staff recommendation / decision
- Subcommittees may NOT provide recommendations to the Agency without holding a public meeting to come to their recommendation (i.e. deliberate).

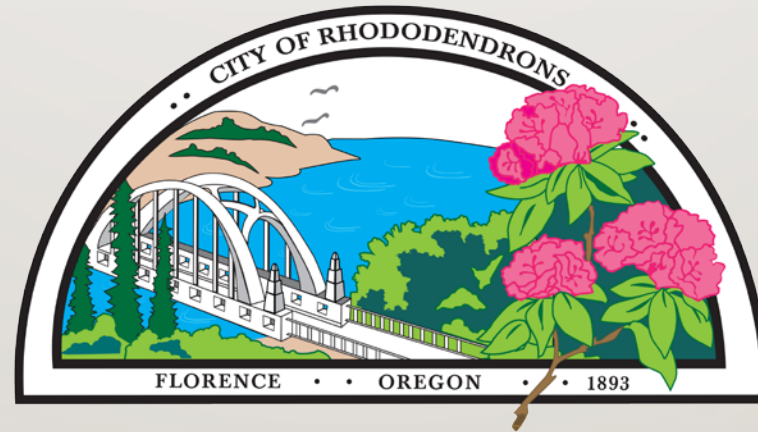
SUB-COMMITTEE AUTHORITY

- Actions of sub-committee must be approved by FURA as a whole

OR

- Authority must be given to subcommittee by FURA action at a publicly held meeting prior to action taking place

QUESTIONS ON PUBLIC MEETINGS LAW?



City of Florence
A City in Motion

OREGON GOVERNMENT ETHICS LAW

- ORS Chapter 244
- Oregon Government Ethics Commission
 - 503-378-5105
 - www.Oregon.gov/ogec



WILL COVER RULES FOR:

- Public Officials
- Prohibited use of office
- Gifts
- Conflicts of interest
- Violations & Sanctions



AM I A PUBLIC OFFICIAL?

- ORS 244.020(14):“Any person who, when an alleged violation of this chapter occurs, is serving the State of Oregon or any of its political subdivisions or any other public body as defined in ORS 174.109 as an elected official, appointed official, employee or agent, irrespective of whether the person is compensated for their services.”
- Includes Elected & Appointed Officials, Employees, Members of Boards and Committees and Volunteers



KELLI'S ETHICS CLIFF NOTES

- Don't use your position on FURA for personal gain



PROHIBITED USE OF OFFICE (ORS 244.040(I))

- A public official may not use or attempt to use official position or office to:
 - obtain financial gain or avoidance of financial detriment
- Who applies?:
 - The public official, a relative, or member of the household of the public official, or any business with which the public official or a relative or member of the household of the public official is associated
- Disclaimer:
 - If the financial gain or avoidance of financial detriment would not otherwise be available but for the public official's holding of the official position or office (The 'But-For' Test)

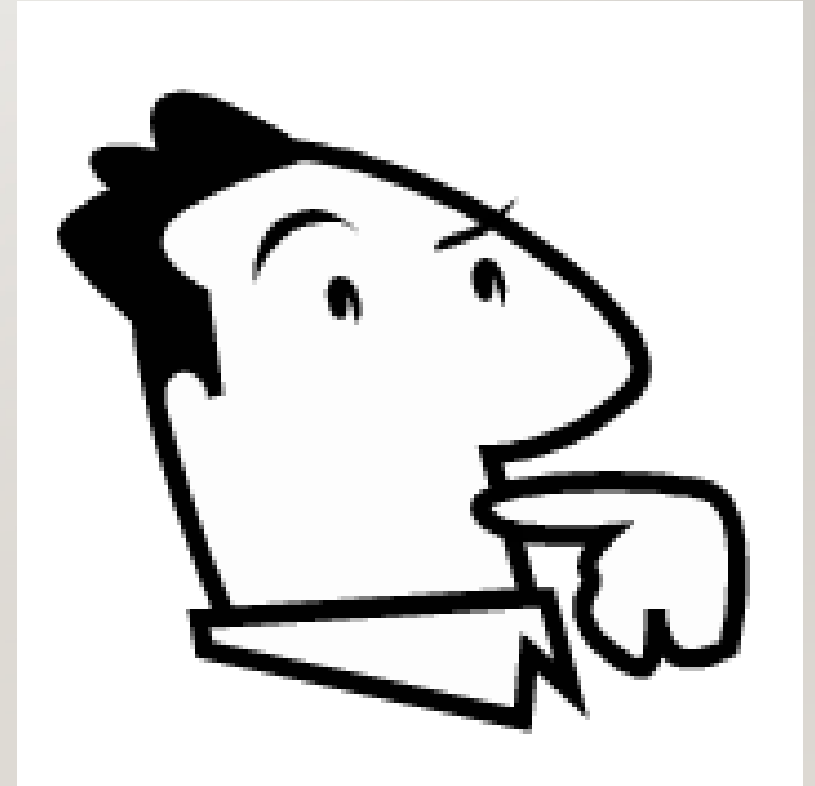
RELATIVE (ORS 244.020(15))



- Spouse
- Children of the Public Official or the Public Official's Spouse
- The following of Public Official or Public Officials Spouse
 - Brother / Sister, Stepbrother / Stepsister, Parent / Step Parent, Son-in-law / Daughter-in-Law
- Anyone for whom the public official has a legal support obligation or provides employment benefits
- Note: Don't forget member of the Public Officials Household (i.e. anyone living with public official irrespective of relationship)

SIMPLE QUESTION

- Would I have this opportunity if I was NOT a public official?
- If NO – Then Don't Do It



DOES NOT APPLY TO:

- Compensation or Reimbursement
- Unsolicited awards
- Gifts or Honoraria (within limits)

GIFTS (ORS 244.020(6)(A))

- Something of value given to a:
 - Public Official, Candidate, Relative, Or Member of the Household
- Without valuable consideration of equivalent value (i.e. not a trade)
 - Including: Full or partial forgiveness of indebtedness
- Which is not extended to others on the same terms or conditions

- Gifts are limited to \$50 per year, per giver

THE GIFT RULE:

1. You (your relative or member of household)
2. Cannot ask for, receive, or give
3. Or even hint at getting / giving
4. Gifts over \$50 from any single source in one year
5. IF your source has an interest in your official actions: i.e., a decision or vote



A GIFT IS NOT LIMITED IF IT IS A:

- Present from relatives or household members
- Unsolicited award / token of appreciation with a resale value <\$25
- Discounted registration at a professional education event
- Informational material related to your official duties
- Part of a customary private business practice and not related to your public office
- Food, beverage, and entertainment when acting in official capacity (i.e. representing Agency)

CONFLICTS OF INTEREST

- Kelli's Cliff Note Definition:
- Situations that affect your ability to make a decision in an ethical manner



ORS 244.020(12) DEFINITION:

- Any action or any decision or recommendation by a person acting in a capacity as a public official
- The effect of which would/could
- Be to the private pecuniary (*financial*) benefit or detriment of:
- The person or the person's relative or any business with which the person or relative of the person is associated

“BUSINESS WITH WHICH PERSON IS ASSOCIATED”

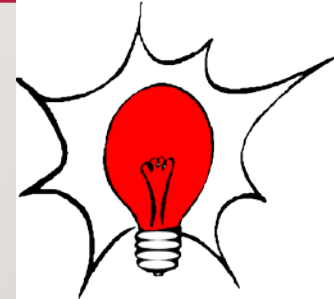
- Any private business in which you or a relative are:
 - an owner, director, officer,
 - Employee, or
 - in which you or a relative has \$1,000+ worth of interest
- Any publicly held corporation in which you or a relative has:
 - \$100,000 of interest, or
 - an officer / director



TWO TYPES OF CONFLICTS

- Actual Conflicts

- Would result in financial benefit or detriment



- Potential Conflicts

- Could results in financial benefit or detriment



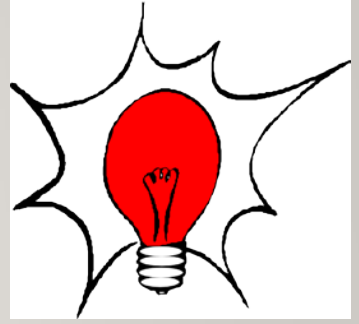
HOW TO DEAL WITH A CONFLICT (BOTH ACTUAL & POTENTIAL)



When in doubt: Shout it Out!

- State the nature of your conflict
- Do it **before** voting or discussing the manner
- Do it **on the record**
- Do it **each meeting** issue is discussed

IF ACTUAL CONFLICT OF INTEREST



When in doubt: Shout it Out...and then....

In addition to Declaring the conflict:

- **No** talking and **No** voting
- Unless Agency cannot act without you (but still no talking)
- We recommend you leave the room during agenda item



DISCLAIMERS:

It is **Not** a conflict if the financial benefit happens because of:

- Membership in a class (any large, distinguishable group of citizens that the Oregon Government Ethics Commission determines is a class – *must be submitted in advance to OGE*)
- Membership in a non-profit (501c status)

SANCTIONS

- Civil penalty = Up to \$5,000 per violation
- Forfeiture = twice the amount of financial benefit realized
- Letters of reprimand, explanation or education

RESOURCES & INFORMATION

Oregon Government Ethics Commission

3218 Pringle Rd SE, Suite 220

Salem, OR 97302

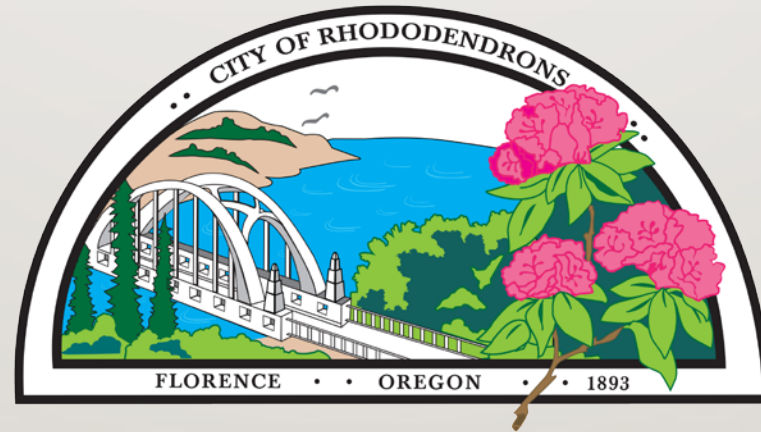
(503) 378-5105

(503) 373-1456 – Fax

ogec.mail@state.or.us – E-mail

ogec.state.or.us - Web

QUESTION ON ETHICS LAW?



City of Florence
A City in Motion

CITY'S FRAUD POLICY



FRAUD

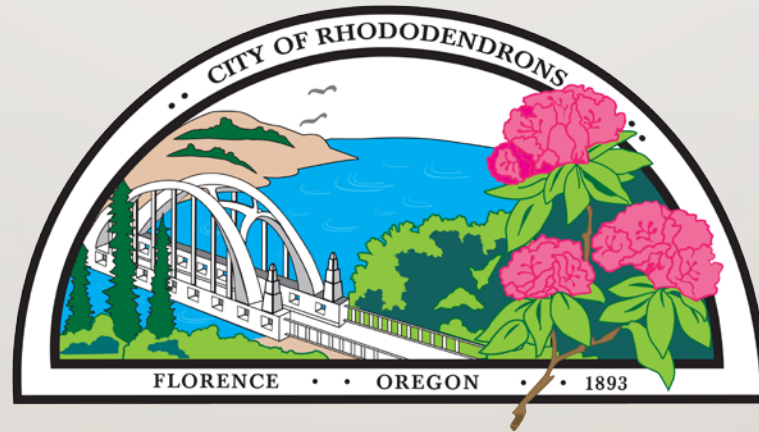
- Purpose: Codify and communicate the City's commitment to the highest standards of moral and ethical behavior for its employees, elected and appointed officials, and volunteers.
- What's Contained: Details responsibilities and procedures for reporting, investigating, and resolving suspected acts of fraud, theft, waste, abuse and ethical misconduct.
 - Examples:
 - Unauthorized use or willful destruction of City Equipment / Supplies
 - Accepting or seeking anything of material value from contractors or vendors
 - Many More.....

FRAUD POLICY - IMPLICATIONS

- If you see a violation, you are required to report it
 - City will then investigate the activity in accordance with policy.
 - Suspected or detected violations must be reported to City Manager, Human Resources, or Mayor.



QUESTIONS ON FRAUD POLICY?



City of Florence
A City in Motion

NON-DISCRIMINATION / NON-HARASSMENT

- Purpose: Affirm the City's commitment to equal employment opportunity and to providing a discrimination, harassment, and bully free work environment for all employees, elected and appointed officials and volunteers.
- The City is *legally* responsible for the acts of:
 - It's supervisors, managers, elected officials, and volunteers
 - Residents / taxpayers, vendors, and other outsiders who interact with the Organization's employees and volunteers as part of the employees' / volunteers jobs

BULLYING & MICROAGGRESSIONS

- **Subtle:** The comments are usually subtle – which is what makes this hard for some people to realize what they said.
- **Acts:** They are things people say and do - again often not intended
- **Exclusion:** They create exclusion of people

- Examples:
 - ‘Everyone knows Asians are Smart!’
 - The ‘Girls in the Office’
 - Using ‘gay’ to describe something you don’t like.

Employers may not refuse to hire, discharge, or otherwise discriminate against any individual with respect to compensation, or terms, conditions, or privileges of employment because of that individual's ...

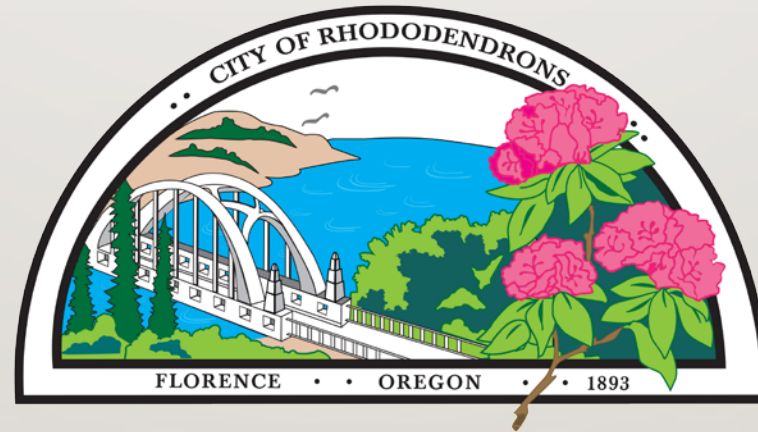


COMMON CLAIMS AGAINST PUBLIC OFFICIALS

1. Employment decisions: termination, layoff
2. Defamation
3. Causing a “hostile work environment” for staff
 - Usually outside the scope of your authority
4. Failure to provide due process when terminating



QUESTIONS ON NON-DISCRIMINATION / NON-HARASSMENT?



City of Florence
A City in Motion

CODE OF CONDUCT

- Purpose: The purpose of the policy is to protect the health, safety, and welfare of citizens, staff, and officials present inside City buildings.
- What is contained in the policy: All members of the public have the responsibility to use City facilities in a manner that doesn't...
 - Interfere with the rights of others to access or use City facilities;
 - Limit or impair the ability of City staff to conduct City business; or
 - Threaten the safety and security of any public city facilities

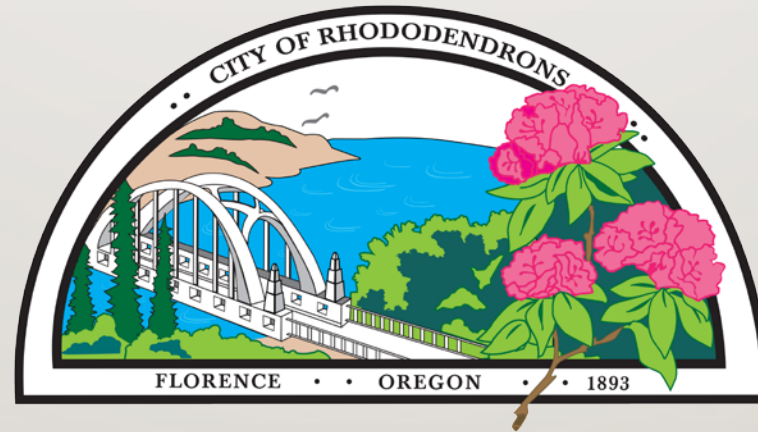
EXAMPLES OF CODE OF CONDUCT VIOLATIONS

- Creating an unsafe or insecure environment;
- Engaging in conduct that makes a reasonable person feel uncomfortable;
- Threatening conduct that may damage City property;
- Obstructing access to government services;
- Entering or attempting to enter non-public areas without prior authorization from a City staff member;
- Disorderly conduct or behavior

ENFORCEMENT

- Given a warning by City staff and afforded reasonable opportunity to cease or correct their behavior,
- If not corrected, City staff may tell the individual to leave the facility immediately,
 - Given a copy of the code of conduct violation form,
- Failure to leave will result in contact to the Police Department

QUESTIONS ABOUT CODE OF CONDUCT?



City of Florence
A City in Motion

LOTS MORE INFORMATION ON ALL THESE TOPICS:

- FURA Related Items - <https://www.ci.florence.or.us/urbanrenewal>
- Public Meetings / Records Law –
 - League of Oregon Cities: Public vs. Private Meetings Training –
<http://www.orcities.org/Training/LOCTV/tabiod/6768/language/en-US/Default.aspx>
 - Oregon Public Records and Meetings Manual -
http://www.doj.state.or.us/pdf/public_records_and_meetings_manual.pdf

LOTS MORE INFORMATION ON ALL THESE TOPICS:

- Oregon Government Ethics Law –
 - League of Oregon Cities: Avoiding Problems – Conflicts of Interest –
<http://www.orcities.org/Training/LOCTV/tabiod/6768/language/en-US/Default.aspx>
 - League of Oregon Cities: Gifts –
<http://www.orcities.org/Training/LOCTV/tabiod/6768/language/en-US/Default.aspx>
 - Oregon Government Ethics Commission “Guide for Public Officials” -
<https://www.oregon.gov/OGEC/pages/training.aspx>

The End



WORKPLACE RULES AND EXPECTATIONS

Ethics

Introduction

The City believes in treating people with respect and adhering to ethical and fair business practices. The City expects employees to avoid situations that might cause their personal interests to conflict with the interests of the City or the City members, or situations that may compromise their reputation or integrity. Employees who violate the City's ethics policy or who create an equally detrimental impact on the organization may be subject to disciplinary action up to and including termination of employment.

City employees are public employees, and as such, are also subject to the State of Oregon's ethics laws. In some cases, these laws provide additional limitations on employees, such as prohibitions on gifts or strict definitions of conflicts of interest. If an employee is coming to the City from work in the private sector, the employee will find that some activities that are common business practices in the private sector are prohibited in the public sector. Information on these public sector ethics laws is available at the Oregon Government Ethics Commission website: http://www.oregon.gov/OGEC/about_us.shtml.

Employees with questions about whether an activity meets the City's or the State of Oregon's ethical standards should talk with their supervisor.

City of Florence's Ethics Policy

These core values should be the basis for the behavior and conduct of all persons serving or representing the City of Florence (Acronym: IDEA):

Integrity

Choose to do what is right, just and moral all the time, even when no one is looking.

Diversity

Treat all people with dignity, impartiality, and respect.

Excellence

Strive to deliver the best municipal services possible to our community with openness and transparency to maintain the public's trust.

Accountability

Be responsible for your acts and omissions.

Ethics Rules of Conduct

All persons serving or representing the City of Florence are subject to the following rules of conduct:

Conflict of Interest

Individuals serving or representing the City of Florence shall not directly or indirectly solicit, obtain, accept, or retain any personal benefit from any supplier, vendor, citizen, or any individual or organization doing or seeking business with the City. Elected and appointed officials shall declare conflicts of interest when applicable, and recuse themselves from decision-making when they have a conflict. City employees shall avoid situations that create, potentially create, or give the appearance of creating a conflict with the mission or objectives of the City of Florence; or could cast doubt upon objectivity between personal interests and the interests of the City.

Disclosure: City employees are required to report any potential conflict of interest to their supervisor or the City Manager.

Misrepresentation

Individuals serving or representing the City of Florence shall not willfully or deliberately misrepresent the City's policies, practices and procedures, or misrepresent their status and authority. City news releases shall be disseminated only by a spokesperson authorized by the City Council or City Manager.

Gifts, Prizes and Promotional Items

Accepting certain types or forms of gifts is a conflict of interest. City personnel may not solicit or accept, directly or indirectly, gifts, gratuities, loans, fees, any other items of significant value, or if the acceptance could be considered to influence directly or indirectly the actions of the employee, or any other person, in any matter of City business.

Employees can refer to the State Ethics Code regarding the acceptance of prizes and awards offered attendees of conferences, seminars, or professional gatherings as a result of attendance or for winning a contest or game. Significant value is any gift with a market value of \$50. Under no circumstances are gifts to exceed \$50 per calendar year from any one source.

Promotional items, such as pens, pencils, notebooks, notepads, cloth or canvas bags, snack food, etc., that are offered to all attendees, or that are meant to be used during the course of the event are excluded from this rule. Employees may keep these items for their personal use.

Outside Employment

Employees or contractors serving or representing the City of Florence shall not engage in outside employment that conflicts with the nature of the City's mission or interferes with the person's ability to perform the work according to established standards of performance and work rules.

Personal Conduct

Individuals serving or representing the City of Florence shall not conduct themselves, on duty or off duty, in any manner that brings discredit to themselves or the City of Florence.

Political Activity

The restrictions imposed by the law of the State of Oregon (ORS 260.432(2)) on your political activities are that "No public employee shall solicit any money, influence, service, or other thing of value or otherwise promote or oppose any political committee or promote or oppose the nomination or election of a candidate, the gathering of signatures on an initiative, referendum or recall petition, the adoption of a measure or the recall of a public office holder while on the job during working hours. However, this section does not restrict the right of a public employee to express personal political views."

It is therefore the policy of the City of Florence that employees may engage in political activity except to the extent prohibited by state law when on the job during working hours.

Mandatory Meeting Policy

From time to time the City will require employees to attend work related meetings either on or off premises. These meetings will be used to disseminate information, train, or instruct personnel on work related matters. Per ORS 659.785, employees cannot be required to attend employer-sponsored meetings or communications with the employer or the agent, representative, or designee of the employer if the primary purpose of the meeting or communication is to communicate the opinion of the employer about religious or political matters (political party affiliation, campaigns for measures or candidates). An employee may not be disciplined, discharged, or otherwise penalized for refusing to attend or participate in such meetings.

Confidentiality

Individuals serving or representing the City of Florence shall treat as confidential information relating to personal, privileged, confidential, or proprietary information in city files and data bases, personnel matters, pending litigation, union or real estate negotiations in progress, police matters and information presented in executive sessions.

Transparency

Except for the confidential matters listed above, individuals serving or representing the City shall treat as public information all City records and correspondence, electronic or otherwise.

Reporting Workplace Wrongdoing

Zero Tolerance Policy for Workplace Wrongdoing

Wrongdoing in the workplace, including, but not limited to, sexual harassment, other forms of harassment, discrimination, drug or alcohol use, theft, violence, unsafe acts, and falsification of any records, reports or information will not be tolerated by the City.

Reporting

If an employee becomes aware of or has any questions, concerns, or complaints regarding workplace wrongdoing, the employee must report it to his or her supervisor immediately. If the employee feels uncomfortable doing so, or if the supervisor is the source of the problem, condones the problem, or ignores the problem, the employee should make his or her report to any other member of management, the HR Coordinator, or the City Manager. Employees should always feel free to direct any questions, problems, complaints or concerns to these individuals.

Retaliation

Any form of retaliation for reporting any workplace wrongdoing is strictly prohibited and will not be tolerated by the City. If it is determined that any employee has engaged in any form of retaliation, the employee will be subject to disciplinary action, up to and including termination of employment.

CITY OF FLORENCE
Resolution No. 32, Series 2012

**A RESOLUTION MEMORIALIZING THE
CITY OF FLORENCE FRAUD POLICY**

WHEREAS, It is the City's intent to establish responsibilities and procedures for reporting, investigating and resolving suspected acts of fraud, theft, waste, abuse and ethical misconduct; and

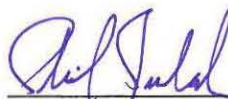
WHEREAS, This policy will provide a structure to encourage the reporting of any suspicions of violations of this policy and will ensure that employees are able to discuss concerns in a secure and confidential environment; and

WHEREAS The City has been advised by our Municipal Auditors to establish a Fraud Policy ("Policy") that memorializes the City's existing investigatory practices and anti-theft policies by creating a comprehensive document that outlines through all levels of management, city employees and officials a prescribed method of preventing and detection of fraud, misappropriation of city funds, and related inappropriate conduct.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FLORENCE, a municipal corporation of the State of Oregon, that the City of Florence establishes the City of Florence Fraud Policy in its entirety (See Attached).

PASSED BY THE FLORENCE CITY COUNCIL THIS 17th DAY OF DECEMBER, 2012.

APPROVED BY:



Phil Brubaker, Mayor

ATTEST:



Kelli Weese, City Recorder

City of Florence

Fraud Policy

December 2012

**CITY OF FLORENCE
CREDIT CARD POLICY
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City of Florence Fraud Policy

Section 1 Purpose

The City of Florence is committed to the highest standards of moral and ethical behavior by its employees, elected officials, volunteers, vendors, and contractors to strengthen the public's trust in the integrity of our municipal government. This policy memorializes responsibilities and procedures for reporting, investigating and resolving suspected acts of fraud, theft, waste, abuse and ethical misconduct. It will provide a structure to encourage the reporting of any suspicions of violations of this policy and will ensure that employees are able to discuss concerns in a secure and confidential environment.

Section 2 Scope

This policy is applicable to all City of Florence employees, elected officials, and volunteers, as well as outside consultants, contractors, and vendors who have a business relationship with the City. This policy is not intended to supersede inconsistent provisions of an applicable collective bargaining agreement.

Section 3 Policy

Through all levels of management, City employees and officials are responsible for the prevention and detection of fraud, misappropriation of City funds, and related inappropriate conduct. It is the City's intent to fully investigate any suspected acts of fraud, theft, abuse, waste or unethical behavior, in an impartial manner regardless of the suspected wrongdoer's length of service, position, title or relationship to the City.

Any violation of this policy that is detected or suspected by City employees, elected officials, volunteers as well as outside consultants, contractors and vendors, who have a business relationship with the City, must be reported immediately to the City Manager or the Anti-Fraud Committee as outlined in the Responsibilities and Procedures section of this policy. The Anti-Fraud Committee will determine who will investigate the suspected fraudulent activity in accordance with this policy.

Any employee found to have violated this policy will be subject to disciplinary action up to and including dismissal and prosecution by the appropriate authorities. Elected officials, volunteers and others having a business relationship with the City may be subject to sanctions and prosecution by the appropriate authorities.

Section 3
Policy, continued

The City intends to pursue every reasonable legal remedy when a violation occurs and to seek recovery of any losses from the offender, including when appropriate, notification to its bonding company, court ordered restitution, or other available remedies.

Section 4
Definitions of Fraud

Fraud: An intentional illegal use of City assets by any act including, but not limited to, theft, embezzlement or misrepresentation. Fraud is designed to obtain a benefit or advantage or deny a benefit that is due. Examples include, but are not limited to:

- Forgery or alteration of a check, document, or account belonging to the City
- Misappropriation¹ of City funds, securities, supplies, or property
- Unauthorized personal use of City equipment and supplies
- Personal use of City credit cards
- Profiteering as a result of insider knowledge
- Theft of cash, checks, property or procurement cards
- Falsifying records such as timecards, expense reports or official documents
- Willful destruction of City property
- Selling confidential information for personal gain
- Accepting or seeking anything of material value for personal gain from contractors, vendors, or persons providing services/materials to the City or City job applicants.

Waste: The expenditure or allocation of resources significantly in excess of need. Examples include, but are not limited to:

- Unauthorized use or misuse of City facilities, equipment or vehicles
- Falsifying time worked or leave taken on a timesheet
- Retaining ineligible dependents on health care coverage
- Unnecessary incurring of costs as a result of grossly inefficient or negligent practices, systems or controls.

¹ Misappropriation: To illegally use public funds or assets, which have been set aside for a specific purpose, for personal gain.

Section 4
Definitions of Fraud,
continued

Abuse of Position: Use of employment or official position with the City to obtain personal gain or benefit to which one is not entitled. Examples include, but are not limited to:

- Obtaining a benefit or service from the City which one does not qualify
- Providing a benefit or service to someone for which they do not qualify
- Unauthorized reductions in fees or fines
- Suspending or terminating enforcement action based on a personal relationship
- Improperly influencing a contract procurement process.

Ethical Misconduct: Conducting official duties in a manner which is improperly prejudicial, using an official position for personal gain, or failing to properly disclose an actual or potential conflict of interest. See the City's Ethics Code of Conduct for details.

Examples include, but are not limited to:

- Authorizing contracts in violation of purchasing laws
- Failing to disclose an actual or potential conflict of interest
- Accepting gifts prohibited by Oregon ethics laws

Job Application Fraud: Knowingly providing false information on a job application or in the job application process.

Section 5
Responsibilities and
Procedures

Management and Employees: Managers, supervisors, and administrators at all levels are responsible for maintaining a system of internal controls which prevent, deter, or detect fraud, theft, waste, abuse, and unethical or dishonest behavior.

Managers, supervisors, and administrators are also expected and required to recognize risks and potential exposures that may be inherent within their areas of responsibility, to be alert to any indication of irregularity or potential violation of this policy, and to know and follow the requirements set forth in this policy.

Employees shall report any suspected or detected violation of this policy, fraud, theft, waste, abuse and other unethical or dishonest conduct. An employee may choose to report immediately the suspicion or detection to their department director, who in turn must immediately report the information to the City Manager or the Anti-Fraud Committee. If the employee is not comfortable reporting directly to their department director, the employee may immediately report their suspicion directly to the City Manager or

**Section 5
Responsibilities and
Procedures, continued**

Anti-Fraud Committee. Suspected fraudulent activity² or violations of this policy involving the City Manager's Office must be reported to the Anti-Fraud Committee immediately.

The employee reporting suspected violations of this policy or fraudulent activity may choose to identify themselves or to remain anonymous. The identity of an employee or complainant who reports suspected fraudulent activity will be protected to the fullest extent possible, but the City cannot guarantee confidentiality. It is the City's intent to protect an employee who discloses information of suspected fraudulent activity from retaliatory actions by other individuals in accordance with Oregon Revised Statute 659A.200 - .224 (Whistleblower Law) which prohibits adverse personnel actions against an employee for disclosing this information. Retaliation against an employee or other person who reports a detected or suspected violation of this policy is prohibited. Any employee who retaliates against a person for reporting a detected or suspected violation of this policy will be subject to discipline up to and including termination of employment.

In all cases, the reporting employee must provide enough detail about the activity to aid in the investigation. All employees, which include management employees, will cooperate with the Anti-Fraud Committee and investigators and will not by any means personally investigate the suspected fraud, or contact the suspected individual in an effort to determine facts or demand restitution.

All employees shall cooperate with the investigative processes of the Committee and law enforcement agencies including prosecution of offenders. To the extent applicable to an employee under investigation, investigations will be conducted in accordance with collective bargaining agreements, statutory requirements, and constitutional standards. Unless otherwise directed by the Anti-Fraud Committee, or otherwise required by lawful authority, all participants in a fraud investigation will keep details and results of the investigation confidential. All inquiries from suspected individuals and their legal representatives must be directed to the City Manager. Proper response to such an inquiry is, "I am not authorized to discuss this matter."

² Fraudulent activity for the purpose of this policy encompasses fraud, theft, waste, and abuse, unethical and all other dishonest conduct.

**Section 6
Anti-Fraud
Committee**

The City's Anti-Fraud Committee will be comprised of the City Manager, a City Council Member, and Human Resources. The Committee will appoint the investigator and oversee and coordinate all actions taken during the course of the investigation. The investigator will have access to all relevant city files in order to facilitate investigative work as permitted by city policy and state and federal law. All investigations conducted by the Committee are considered part of the audit process and the working papers will be kept confidential in accordance with state statutes and administrative rules regarding public records.

Great care must be taken in the investigation of suspected fraudulent activity to avoid making mistaken accusations, alerting suspected individuals that an investigation is under way, or making any statement which could provide a basis for a suit for false accusation or other claims.

The Committee will evaluate the extent of any potential criminal activity, including consulting the City's attorney if needed. If any potential prosecutable criminal activity exists, the Police Department or other appropriate law enforcement agency will be notified and conduct the investigation. The Committee will assist with the investigation if law enforcement requests such assistance. In every case, the City will cooperate fully with the investigating and prosecuting authorities. If no potentially prosecutable criminal activity exists, the City Manager will conduct the investigation with the assistance of other appropriate City officials.

If fraudulent activity is detected or reasonably suspected of the City's attorney, City Manager, or Municipal Judge, Human Resources will apprise the Mayor and Council of the investigation and update them on progress as deemed appropriate.

In cases where the suspected fraudulent activity involves the offices of the City Manager or Municipal Judge the Committee will determine the investigation process and assign an investigator. The City's attorney will be apprised of the investigation and updated on progress as deemed appropriate by the investigator.

The City Manager, or designee, or Human Resources Director, as appropriate, may notify the Mayor and Council of a reported allegation of fraudulent activity upon the start of the investigation to the extent practical. The Mayor and Council will be apprised of

**Section 6
Anti-Fraud
Committee, continued**

the progress of the investigation as deemed appropriate by the City Manager or Human Resources Director. At the conclusion of the investigation, a confidential report will be issued and distributed to the Mayor, City Council, City Manager and City Attorney. After their review, a copy of the report will be provided to the appropriate department head and the Finance Director.

**Section 7
Disciplinary Action**

If a suspected or detected violation of this policy is substantiated by an investigation, the City will take the appropriate action in conformance with City and departmental personnel policies and procedures, and union contracts if applicable. Violations of the City's Fraud Policy will result in disciplinary actions up to and including immediate dismissal.

**Section 8
Distribution**

All City employees, volunteers and elected officials will be given a copy of this policy. All newly hired employees and appointed volunteers will be provided a copy as part of orientation and required to provide a written acknowledgement which will be retained by the Human Resources Department.

**Section 9
Administration**

The City Manager is responsible for the administration, revision, interpretation and application of this policy. The policy will be reviewed and revised as needed.

ACKNOWLEDGEMENT OF RECEIPT OF CITY OF FLORENCE FRAUD POLICY

I hereby acknowledge the receipt of a copy of the City of Florence Fraud Policy. I agree to read and familiarize myself with the contents and I understand I will be responsible for adhering to this Policy.

Signature

Date

Printed Name

Relationship to the City
(Employee/Volunteer/Elected)

EMPLOYEE HANDBOOK

UPDATE 2020



OFFICIAL CITY OF FLORENCE POLICY UPDATES

During the 2019 Oregon State Legislative Session, the legislature passed several bills, which created or expanded various employment laws. As a result, the City of Florence is required to adopt new policies and inform current and future employees of these legislative updates. Employees are asked to acknowledge receipt of these policies by signing below. The policies identified within this document are effective January 1, 2020. These policies supersede and replace previous policies on the subjects.

If you have any questions about the policies, please reach out to Human Resources or your manager or supervisor.

EQUAL EMPLOYMENT OPPORTUNITY (EEO) POLICIES

The following EEO Policies apply to all employees. Members of management, elected officials, and employees alike are expected to adhere to and enforce the following EEO Policies. Any employee's failure to do so may result in discipline, up to and including termination.

All employees are encouraged to discuss these EEO Policies with Human Resources at any time if they have questions relating to the issues of harassment, discrimination, or bullying, or what it means to work in a respectful workplace.

A. EQUAL OPPORTUNITY

The City of Florence provides equal employment opportunity to all qualified employees and applicants without unlawful regard to race, color, religion, sex, gender identity, pregnancy (including childbirth and related medical conditions), sexual orientation, national origin, age, disability, genetic information, veteran status, domestic violence victim status, or any other status protected by applicable federal, Oregon, or local law. The City of Florence also recognizes an employee's right to engage in protected activity under Oregon and federal law, as discussed in various policies below, and will not retaliate against an employee for engaging in protected activity.

The City of Florence's commitment to equal opportunity applies to all aspects of the employment relationship — including but not limited to, recruitment, hiring, compensation, promotion, demotion, transfer, disciplinary action, layoff, recall, and termination of employment.

B. STATEMENT REGARDING PAY EQUITY

The City of Florence supports Oregon's Pay Equity Law and federal and Oregon laws prohibiting discrimination between employees based on a protected class (as defined by Oregon law) in the payment of wages or other compensation for work of comparable character. Employees who believe they are receiving wages or other compensation at a rate less than that at which the City of Florence pays wages or other compensation to other employees for work of comparable character are encouraged to discuss the issue with Human Resources.

C. NO-HARASSMENT POLICY

The City of Florence prohibits harassment of any kind or sexual assault in the workplace, or harassment or sexual assault outside of the workplace that violates its employees, volunteers, and interns' right to work in a harassment-free workplace. Specifically, City of Florence prohibits harassment or conduct related to an individual's race, color, religion, sex, pregnancy, sexual orientation, gender identity, national origin, age, disability, genetic information, veteran status, domestic violence victim status, or any other protected status or activity recognized under Oregon, federal or local law.

Each member of management is responsible for creating an atmosphere free of discrimination, harassment, sexual assault, and bullying. Further, all employees are responsible for respecting the rights of other employees and to refrain from

engaging in conduct prohibited by this policy, regardless of the circumstances, and regardless of whether others participate in the conduct or did not appear to be offended. All employees are encouraged to discuss this policy with their immediate supervisor, any member of the management team, or with Human Resources, at any time if they have questions relating to the issues of discrimination, harassment, or bullying.

This policy applies to and prohibits sexual or other forms of harassment that occur during working hours, during City of Florence–related or –sponsored trips (such as conferences or work-related travel), and during non-working hours when that off-duty conduct creates an unlawful hostile work environment for any of City of Florence’s employees. ***Such harassment is prohibited whether committed by City of Florence employees or by non-employees (including elected officials, members of the community, volunteers, interns, and vendors).***

SEXUAL HARASSMENT

Sexual harassment includes unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature (regardless of whether such conduct is “welcome”), when:

1. Submission to such conduct is made either implicitly or explicitly a term or condition of employment;
2. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
3. Such conduct has the purpose or effect of unreasonably interfering with an individual’s work performance or creating an intimidating, hostile, or offensive work environment.

Some examples of conduct that could give rise to sexual harassment are unwanted sexual advances; demands for sexual favors in exchange for favorable treatment or continued employment; sexual jokes; flirtations; advances or propositions; verbal abuse of a sexual nature; comments about an individual’s body, sexual prowess, or deficiency; talking about your sex life or asking others questions about theirs; leering or whistling; unwelcome touching or assault; sexually suggestive, insulting, or obscene comments or gestures; displays of sexually suggestive objects or pictures; making derogatory remarks about individuals who are gay, lesbian, bisexual or transgender; or discriminatory treatment based on sex.

This is not a complete list.

OTHER FORMS OF PROHIBITED HARASSMENT

City of Florence policy also prohibits harassment against an individual based on the individual’s race, color, religion, sex, pregnancy, sexual orientation, gender identity, national origin, age, disability, genetic information, veteran status, domestic violence victim status, or any other protected status or activity recognized under Oregon, federal or local law.

Such harassment may include verbal, written, or physical conduct that denigrates, makes fun of, or shows hostility towards an individual because of that individual’s protected class or protected activity, and can include:

- Jokes, pictures (including drawings), epithets, or slurs;
- Negative stereotyping;
- Displaying racist symbols anywhere on City of Florence property;
- “Teasing” or mimicking the characteristics of someone with a physical or mental disability;
- Criticizing or making fun of another person’s religious beliefs, or “pushing” your religious beliefs on someone who does not have them;
- Threatening, intimidating, or hostile acts that relate to a protected class or protected activity; or
- Written or graphic material that denigrates or shows hostility or aversion toward an individual or group because of the protected status.

This is not a complete list. All employees are expected to exercise common sense and refrain from other similar kinds of conduct.

BULLYING

City of Florence strives to promote a positive, professional work environment free of physical or verbal harassment, “bullying,” or discriminatory conduct of any kind. City of Florence, therefore, prohibits employees from bullying one another or engaging in any conduct that is disrespectful, insubordinate, or that creates a hostile work environment for another employee for any reason. For purposes of this policy, “bullying” refers to repeated, unreasonable actions of individuals (or a group) directed towards an individual or a group of employees, which is intended to intimidate and that creates a risk to the health and safety of the employee(s). Examples of bullying include:

1. Verbal Bullying: Slandering, ridiculing, or maligning a person or their family; persistent name calling that is hurtful, insulting or humiliating; using a person as butt of jokes; abusive and offensive remarks.
2. Physical Bullying: Pushing; shoving; kicking; poking; tripping; assault, or threat of physical assault; damage to a person’s work area or property.
3. Gesture Bullying: Non-verbal threatening gestures; glances that can convey threatening messages.
4. Exclusion Bullying: Socially or physically excluding or disregarding a person in work-related activities. In some cases, failing to be cooperative and working well with co-workers may be viewed as bullying.
5. Cyber Bullying: Bullying that takes place using electronic technology, which includes devices and equipment such as cell phones, computers, and tablets as well as communication tools including social media sites, text messages, chat, and websites. Examples of cyberbullying include transmitting or showing mean-spirited text messages, emails, embarrassing pictures, videos or graphics, rumors sent by email or posted on social networking sites, or creating fake profiles on websites for co-workers, managers or supervisors or elected officials.

This is not a complete list.

COMPLAINT PROCEDURE

Employees, volunteers, or interns who have experienced a sexual assault, any harassment, discrimination, or bullying in violation of this policy, who have witnessed such behavior, or who have credible information about such behavior occurring, are expected and should bring the matter to the attention of Human Resources or the City Manager. Alternatively, employees should communicate with a supervisor or member of management as soon as possible.

Employees are strongly encouraged to document the information or incident in any written or electronic form, or with a voice mail message (or phone call). An employee who experiences or witness’s harassment is encouraged, but not required, to tell the harasser that the behavior is offensive and unwanted, and that they want the behavior to stop.

INVESTIGATION AND CONFIDENTIALITY

All complaints and reports will be promptly and impartially investigated and will be kept confidential to the extent possible, consistent with City of Florence’s need to investigate the complaint and address the situation. If conduct in violation of this policy is found to have occurred, City of Florence will take prompt, appropriate corrective action, and any employee found to have violated this policy will be subject to disciplinary action, up to and including termination of employment.

Employees who have been subjected to harassment, sexual assault, or discrimination are encouraged to use the City of Florence’s complaint-reporting procedure, described above, to ensure a timely, thorough investigation and handling of the situation. Employees may, however, seek redress from the Oregon Bureau of Labor and Industries (BOLI) pursuant to ORS 659A.820 to 659A.865, or in a court under any other available law, whether criminal or civil. Although the City of Florence cannot provide employees with legal advice, employees should be aware of the statute of limitations applicable to harassment or discrimination claims under ORS 659A.030, 659A.082 or 659A.121 (five years). Further, before an employee can take any legal action against the City of Florence, the

employee must provide written notice of the claim within 180 days of the act or omission the employee claims have caused him/her harm. When an employee can prove harm as a result of unlawful harassment or discrimination in an administrative proceeding or in a court, remedies available to the employee include enforcement of a right, imposition of a penalty, or issuance of an order to the employee's employer (in limited circumstances).

PROTECTION AGAINST RETALIATION

City of Florence prohibits retaliation in any way against an employee because the employee has made a good-faith complaint pursuant to this policy or the law, has reported (in good faith) sexual assault, or harassing, discriminatory, or bullying conduct, or has participated in an investigation of such conduct.

Employees who believe they have been retaliated against in violation of this policy should immediately report it to Human Resources or the City Manager. Additionally, employees may report to any supervisor or member of management. Any employee who is found to have retaliated against another employee in violation of this policy will be subject to disciplinary action up to and including termination of employment.

See also the Equal Opportunity Policy, above, and the Reporting Improper and Unlawful Activity Policy, below.

OTHER RESOURCES AVAILABLE TO EMPLOYEES

The City of Florence provides an Employee Assistance Program (EAP) through Cascade Centers to employees and dependents who are enrolled in City of Florence's medical coverage. For access to confidential help 24 hours a day, seven days a week, call toll-free: 1-800-433-2320, or go online to www.cascadecenters.com. The EAP program provides confidential counseling services and educational tools such as resources relating to eldercare, childcare, legal consultation, financial coaching, identity theft, and others.

The City of Florence cannot provide legal resources to its employees or referrals to specific attorneys. Employees may contact the Oregon State Bar for more information: <https://www.osbar.org/public/>.

OTHER EMPLOYEE RIGHTS

Nothing in this policy is intended to diminish or discourage an employee who has experienced workplace harassment or discrimination, or sexual assault, from talking about or disclosing their experience.

If an employee who has been aggrieved by workplace harassment, discrimination or sexual assault wants to enter into a settlement, separation, or severance agreement with the City of Florence regarding their experience and/or employment status, the employee should contact Human Resources. The employee's request to enter into such an agreement must be in writing (email or text is acceptable). If the City of Florence and employee reach an agreement, the employee will have seven days to revoke the agreement after signing it. The City of Florence may not require an employee to enter into a nondisclosure agreement (which would prohibit the employee from discussing or communicating about their experiences in the workplace or the terms of the agreement) or a non-disparagement agreement (which would prohibit the employee from speaking slightly about the City of Florence or making comments that would lower the City of Florence in rank or reputation).

The City of Florence is committed to creating and maintaining a workplace free of sexual assault, harassment, discrimination, and retaliation and it has confidence in the process it has developed for addressing good-faith complaints. However, Oregon law requires the City of Florence to inform employees that if they have been aggrieved by workplace harassment, discrimination or sexual assault and want to enter into an agreement with the City of Florence regarding their experience and/or employment status, the employee should contact Human Resources. The employee's request to enter into such an agreement must be in writing (email or text is acceptable). Requests of this nature will be considered on a case-by-case basis; such agreements are not appropriate for every situation. If the City of Florence and employee do reach an agreement, the City of Florence will comply with Oregon law applicable to such agreements. For instance, the City of Florence will not require an employee to enter into a nondisclosure agreement (which would prohibit the employee from discussing or

communicating about their experiences in the workplace or the terms of the agreement) or a non-disparagement agreement (which would prohibit the employee from speaking slightly about the City of Florence or making comments that would lower the City of Florence in rank or reputation). If, however, the employee initiates the request for the agreement, nondisclosure and non-disparagement are terms that may be agreed upon between the employee and the City of Florence. The employee will have seven days to revoke the agreement after signing it.

D. DISABILITY ACCOMMODATION POLICY

City of Florence is committed to complying fully with the Americans with Disabilities Act (ADA) and Oregon’s disability accommodation and anti-discrimination laws. We are also committed to ensuring equal opportunity in employment for qualified persons with disabilities.

ACCOMMODATIONS

City of Florence will make reasonable efforts to accommodate a qualified applicant or employee with a known disability, unless such accommodation creates an undue hardship on the operations of City of Florence.

REQUESTING AN ACCOMMODATION

A reasonable accommodation is any change or adjustment to a job or work environment that does not cause an undue hardship on the department or unit (or, in some cases, City of Florence) and that permits a qualified applicant or employee with a disability to participate in the job application process, to perform the essential functions of a job, or to enjoy benefits and privileges of employment equal to those enjoyed by employees without disabilities. For example, a reasonable accommodation may include providing or modifying equipment or devices, job restructuring, allowing part-time or modified work schedules, reassigning an individual, adjusting or modifying examinations or training materials provided by the City of Florence, providing readers and interpreters, or making the workplace readily accessible to and usable by people with disabilities.

Employees should request an accommodation as soon as it becomes apparent that a reasonable accommodation may be necessary to enable the employee to perform the essential duties of a position. All requests for accommodation should be made with Human Resources and should specify which essential functions of the employee’s job cannot be performed without a reasonable accommodation. In most cases, an employee will need to secure medical verification of their need for a reasonable accommodation. Both the City of Florence and employee must monitor the employee’s accommodation situation and make adjustments as needed.

PREGNANCY ACCOMMODATION

Employees who are concerned that their pregnancy, childbirth, or a related medical condition (including lactation) will impact their ability to work should contact Human Resources to discuss their options for continuing to work and, if necessary, leave of absence options. The City of Florence will provide one or more reasonable accommodations pursuant to this policy for employees with known limitations unless such accommodations impose an undue hardship on the City of Florence’s operations.

Although this policy refers to “employees,” the City of Florence will apply this policy equally to an applicant with known limitations caused by pregnancy, childbirth, or a related medical condition.

REQUESTING A PREGNANCY-RELATED ACCOMMODATION

Employees who are concerned that their pregnancy, childbirth, or a related medical condition will limit their ability to perform their duties should request an accommodation as soon as it becomes apparent that a reasonable accommodation may be necessary to enable the employee to work. All requests for accommodation should be made with Human Resources and should specify which essential functions of the employee’s job cannot be performed without a reasonable accommodation. In most cases,

information from the employee's doctor may be needed to assist the City of Florence and the employee find an effective accommodation, or to verify the employee's need for an accommodation. Both the City of Florence and employee must monitor the employee's accommodation situation and make adjustments as needed.

LEAVE OF ABSENCE OPTIONS FOR PREGNANT EMPLOYEES

Employees who are pregnant or experiencing pregnancy-related medical conditions should also be aware of their leave of absence options under Oregon's sick leave law, OFLA, and FMLA. See Sick Leave policies on page 84; OFLA and FMLA policies on page 92 of the 2014 Employee Handbook, or speak with Human Resources.

NO DISCRIMINATION, NO RETALIATION

The City of Florence prohibits discrimination and retaliation against any employee under this policy that: (1) asked for information about or requested accommodations; (2) used accommodations provided by the City of Florence; or (3) needed an accommodation.

Employees who ask about, request, or use accommodations under this policy and applicable Oregon law have the right to refuse an accommodation that is unnecessary for the employee to perform the essential functions of the job or when the employee does not have a known limitation. Under Oregon law, an employer cannot require an employee to use Sick Leave, the Oregon Family Leave Act (OFLA), or the Family Medical Leave Act (FMLA) if a reasonable accommodation can be made that does not impose an undue hardship on the operations of the City of Florence. Also, no employee will be denied employment opportunities if the denial is based on the need of the City of Florence to make reasonable accommodations under this policy.

E. REPORTING IMPROPER OR UNLAWFUL CONDUCT — NO RETALIATION

Employees may report reasonable concerns about the City of Florence's compliance with any law, regulation, or policy, using one of the methods identified in this policy. The City of Florence will not retaliate against employees who disclose information that the employee reasonably believes is evidence of:

- A violation of any federal, Oregon, or local law, rules, or regulations by the City of Florence;
- Mismanagement, gross waste of funds, abuse of authority;
- A substantial and specific danger to public health and safety resulting from actions of the City of Florence; or
- The fact that a recipient of government services is subject to a felony or misdemeanor arrest warrant.

Further, in accordance with Oregon law, the City of Florence will not prohibit an employee from discussing the activities of a public body or a person authorized to act on behalf of a public body with a member of the Legislative Assembly, legislative committee staff acting under the direction of a member of the Legislative Assembly, any member of the elected governing body of a political subdivision, or an elected auditor of a city, county, or metropolitan service district.

Employee Reporting Options

Employees who wish to report improper or unlawful conduct should first talk to their supervisor. If the employee is not comfortable speaking with their supervisor, or they are not satisfied with their supervisor's response, the employee is encouraged to speak with Human Resources or the City Manager. Supervisors and managers are required to inform Human Resources or the City Manager about reports of improper or unlawful conduct they receive from employees.

Reports of unlawful or improper conduct will be kept confidential to the extent allowed by law and consistent with the need to conduct an impartial and efficient investigation.

If the City of Florence were to prohibit, discipline, or threaten to discipline an employee for engaging in an activity described above, the employee may file a complaint with the Oregon Bureau of Labor and Industries or bring a civil action in court to secure all remedies provided for under Oregon law.

ADDITIONAL PROTECTION FOR REPORTING EMPLOYEES

Oregon law provides that, in some circumstances, an employee who discloses a good faith and objectively reasonable belief of the City of Florence’s violation of law will have an “affirmative defense” to any civil or criminal charges related to the disclosure. For this defense to apply, the employee’s disclosure must relate to the conduct of their coworker or supervisor acting within the course and scope of the employee’s employment. The disclosure must have been made to: (1) a state or federal regulatory agency; (2) a law enforcement agency; (3) a manager with the City of Florence; or (4) an Oregon-licensed attorney who represents the employee making the report/disclosure. The defense also only applies in situations where the information disclosed was lawfully accessed by the reporting employee.

Policy Against Retaliation

The City of Florence will not retaliate against employees who make reports or disclosures of information of the type described above when the employee reasonably believes they are disclosing information about conduct that is improper or unlawful, and who lawfully accessed information related to the violation (including information that is exempt from disclosure as provided in Oregon law or by City of Florence policy) .

In addition, the City of Florence prohibits retaliation against an employee for participating in good faith in any investigation or proceeding resulting from a report made pursuant to this policy. Further, no City of Florence employee will be adversely affected because the employee refused to carry out a directive that constitutes fraud or is a violation of local, Oregon, federal, or other applicable laws and regulations. The City of Florence may take disciplinary action (up to and including termination of employment) against an employee who has engaged in retaliatory conduct in violation of this policy.

This policy is not intended to protect an employee from the consequences of their own misconduct or inadequate performance simply by reporting the misconduct or inadequate performance. Furthermore, an employee is not entitled to protections under this policy if the City of Florence determines that the report was known to be false, or information was disclosed with reckless disregard for its truth or falsity. If such a determination is made, an employee may be subject to discipline up to and including termination of employment.



City of Florence

Public Facilities Code of Conduct Policy

per City Council Resolution 17, 2018

All members of the public have the responsibility to use these facilities in a manner that does not:

1. Interfere with the rights of others to access or use the facilities;
2. Limit or impair the ability of City staff to conduct City business; or
3. Threaten the safety and security of any public City facilities.

Activity or conduct violating the above responsibilities is prohibited and may include the following:

- Creating an unsafe or unsecure environment;
- Making a reasonable person feel uncomfortable;
- Engaging or threatening conduct that may cause damage to City property;
- Obstructing access to government services;
- Entering or attempting to enter non-public areas;
- Failing to exit the building or follow staff directions;
- Failing to wear appropriate clothing; or
- Engaging in disorderly conduct or behavior that may constitute a crime.

Violating this policy may result in a Notice of Exclusion for a period of less than 24 hours.

**CITY OF FLORENCE
RESOLUTION NO. 17, SERIES 2018**

**A Resolution Establishing a Policy for the Code of Conduct in Public City
Facilities**

RECITALS:

1. The City of Florence City Council and management team have determined there is a need to address the responsibility of all individuals inside public City facilities to behave in a manner that does not threaten the health, safety, or welfare of members of the public, staff, or City officials.
2. City of Florence recognizes that public access to certain City facilities that are open to the public is a general right of all citizens and that access to said facilities should not be unduly limited without just cause. However, the City also has a compelling interest in protecting the health, safety, and welfare of citizens, city staff, and city officials present inside City facilities.
3. The purpose of the City of Florence Public City Facilities Code of Conduct Policy is to establish guidelines to maintain a safe and secure environment for all users of the following public City facilities: City Hall, Public Works Facility, Events Center, Justice Center, Senior Center, and Florence Municipal Airport.
4. It is in the best interest of the community and the City to have a Public City Facilities Code of Conduct Policy in place to allow trained City staff members to temporarily exclude violators of said Policy from the public City facility. The Policy contains an option for timely redress to the City Manager or designee in the event an immediate accommodation is needed.

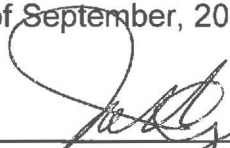
Based on these findings,

THE CITY COUNCIL OF THE CITY OF FLORENCE RESOLVES AS FOLLOWS:

1. The Public Building Usage Code of Conduct Policy, Exhibit A, is adopted by the City of Florence City Council as an administrative policy to be administered by the City Manager's Office. The Policy is applicable to all members of the public, all employees and departments, as well as any affiliated government or non-government officials.
2. This Resolution takes effect immediately upon adoption.

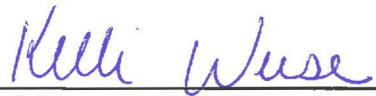
ADOPTION:

This Resolution is passed and adopted on the 17th day of September, 2018.



Joe Henry, Mayor

Attest:



Kelli Weese, City Recorder

Public City Facilities Code of Conduct Policy

City of Florence
Public City Facilities Code of Conduct Policy

I. PURPOSE

City of Florence has a compelling interest in protecting the health, safety, and welfare of citizens, city staff, and city officials present inside City buildings. City of Florence desires to provide:

- Access for all individuals to City facilities;
- For the safety of all users and staff; and
- The protection of the materials, resources, equipment, and facilities.

Therefore, the purpose of this policy is to establish guidelines to maintain a safe and secure environment for all users of the following City buildings: City Hall, Public Works Facility, Events Center, Justice Center, Senior Center, and Florence Municipal Airport.

II. APPLICABILITY

This policy is effective as of the date approved by Council (September 17, 2018) and applies to all members of the public, staff, and elected or appointed officials and establishes a general code of conduct for behavior inside and usage of public buildings only. Behavior on public grounds, including parks, or outside of the above listed City buildings is governed by other applicable laws and policies.

III. GENERAL INFORMATION

All members of the public have the responsibility to use City facilities in a manner that does not:

- Interfere with the rights of others to access or use City facilities;
- Limit or impair the ability of City staff to conduct City business; or
- Threaten the safety and security of any public City facilities.

Therefore, any activity or conduct that violates the above responsibilities is prohibited. This includes, but is not limited to, the following:

- Engaging in conduct that creates an unsafe or insecure environment;
- Engaging in conduct that makes a reasonable person feel uncomfortable;
- Engaging in or threatening conduct that may cause damage to City property;
- Obstructing access to government services;
- Entering or attempting to enter non-public areas without prior authorization from a City staff member;
- Failing to exit the building at closing or not following directions from City staff;
- Failing to wear appropriate clothing, including footwear and shirts; or
- Engaging in disorderly conduct or behavior that constitutes a crime.

Violating the above stated responsibilities may result in the violator being given a warning by City staff, being excluded from public facilities until the start of the next business day, or having

the Florence Police Department called to address the violator's behavior. A violator is not entitled to receive a warning or exclusion prior to having Florence Police Department contacted.

IV. ENFORCEMENT

a. General Staff Procedures

Individuals observed violating the above policy by engaging in prohibited conduct may first be given a warning by City staff and afforded a reasonable opportunity to cease or correct the offending behavior. If the behavior is not corrected, City staff may tell the individual to leave the facility immediately.

Individuals asked to leave the facility by City staff will be given Public City Facility Code of Conduct Violation Form. The Form contains a description of the prohibited conduct that forms the basis for being asked to leave and is witnessed by another City staff member. The Form also contains a statement of the possible consequences of failure to immediately leave the facility.

If City staff tells the individual to leave the facility, the individual must leave the facility immediately upon receipt of the Violation form and may not return to the facility until the start of the following business day.

Failure of the individual to comply with the staff request that the individual leave the facility will result in staff contacting the City of Florence Police Department to resolve the matter.

If staff asks an individual to leave a City facility for reasons under this policy, said staff member shall document the incident and submit such documentation to their department supervisor/manager immediately, with copy to the Human Resources department and City Manager.

b. Immediate Safety and Security Concerns

If City staff has a reasonable concern for immediate safety and security of individuals or City property, staff should immediately contact the Police Department to handle such matters. An individual will not be given a warning or provided with an opportunity to correct the behavior prior to staff contacting the Police Department, if the violation of this policy includes any of the following:

- Conduct punishable as a felony;
- Controlled substances or alcoholic beverages offenses (including possession of marijuana in a public place);
- Actions actually or likely to result in personal injury or property damage;
- Unlawfully possessing a firearm or other weapon; or
- If the individual was previously warned, cited, or excluded for the same conduct on City Property.

V. APPEAL PROCESS

An individual that has been expelled and needs an immediate redress of their rights shall be provided with the contact information for the City Manager (or designee). The City Manager (or designee) has the responsibility to make reasonable accommodations for the individual, only if immediate accommodations are required. All decisions by the City Manager are final.

VI. NON-DISCRIMINATORY APPLICATION

All actions taken to enforce this policy will be based upon ensuring access to facilities, safety and security of the public and staff, and the protection of City property. No action will be taken that can be construed to discriminate against anyone because of any protected class. City staff will implement the policy with dignity, respect, and awareness to all. City staff will encourage appropriate behaviors before asking an individual to leave the City facility.

Approved:

Erin Reynolds, City Manager

Date

City of Florence

Public City Facility Code of Conduct Violation

Pursuant to the City of Florence City Council Resolution Number ____, Series 2018, you are immediately excluded from the following City of Florence property until the start of the next business day:

- City Hall
- Events Center
- Municipal Airport
- Public Works
- Justice Center
- Senior Center

This document shall serve as a **Notice of Exclusion** and is effective until either the next business day or unless modified by the City Manager (or designee).

On: __/__/__ at __ a.m. p.m. at the above selected facility you were witnessed engaging in the following conduct or act(s) checked below:

- Creating an unsafe or insecure environment
- Damaging or threatening to cause damage to City property
- Entering or attempting to enter non-public areas without prior authorization from a City staff member
- Failing to wear appropriate clothing, including footwear and shirts
- Making staff uncomfortable
- Obstructing access to government services
- Failing to exit the building at closing or not following directions from City staff
- Behavior that constitutes a crime

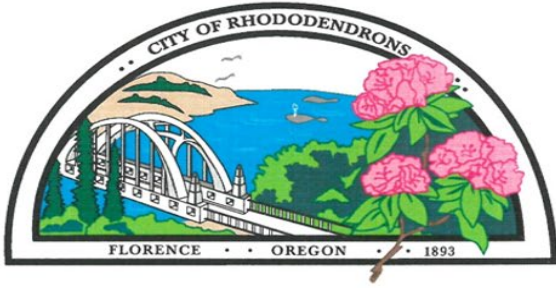
Explanation:

You may only return to the premises indicated above prior to the start of the next business day if you successfully exercise your right to appeal this exclusion notice with the City Manager (or designee). City Manager will only consider appeals which require immediate redress. To contact the City Manager, please call 541-997-3437. Decisions by the City Manager are final.

If you fail to obey this notice of exclusion, you may be arrested or cited for the crime of Trespass – Premises (ORS 164.245).

Name/Title of Person Issuing Exclusion Notice: _____ Date: _____

Name / Title of Witness: _____



City of Florence

250 Hwy 101, Florence, OR 97439

www.ci.florence.or.us

ACKNOWLEDGEMENT OF RECEIPT OF CITY OF FLORENCE POLICIES

I hereby acknowledge the receipt of a copy of the following City of Florence Policies:

- Workplace Rules and Expectations (Ethics and Public Employment) from the City of Florence Employee Handbook.
- 2012 Fraud Policy.
- Non-Discrimination and Non-Harassment Policies from the City of Florence Employee Handbook (updated 2020).
- Code of Conduct Policy.

I agree to read and familiarize myself with the contents and I understand I will be responsible for adhering to these Policies as a third-party (non-employee) working on-site.

I acknowledge that the Non-Discrimination and Non-Harassment Policy also extends to protect myself from discrimination and harassment in relation to performing my role at City of Florence. If I experience discrimination or harassment in the workplace, I will report it to my workplace contact or to Human Resources (541-590-4012 or recruitment@ci.florence.or.us).

Signature

Date

Printed Name

Relationship to the City
(Volunteer/Elected/Appointed/Contractor/Intern)

Return completed sheet to your workplace contact. Workplace contact, Human Resources can maintain the files if needed.



Public Works
989 Spruce St.
(541) 997-4106

**City Manager/
City Recorder**
(541) 997-3437

**Community Development:
Planning & Building**
(541) 997-8237

**Finance/
Utility Billing**
(541) 997-3436

Justice Center
900 Greenwood St.
(541) 997-3515

Florence Events Center
715 Quince St.
(541) 997-1994

